

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CARL BRUCE FANNING and BRONDENA  
FANNING,

Plaintiffs,

vs.

NATIONAL CARRIERS, INC.; BRUCE  
NORMAN, JR.; and ALLSTATE  
INSURANCE COMPANY, INC.,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CASE NO.: 2:05-CV-01121-CSC

**PLAINTIFFS' OPPOSITION TO DEFENDANTS NATIONAL CARRIERS, INC. AND  
BRUCE NORMAN JR.'S MOTION TO DISMISS**

Plaintiffs oppose Defendants National Carriers, Inc., and Bruce Norman Jr.'s Motion to Dismiss by stating the following:

1. As stated in the Complaint, Plaintiffs allege that Defendant Bruce Norman, Jr., while acting as agent for Defendant National Carriers, Inc., negligently or wantonly caused the tractor-trailer unit he was operating to collide with the vehicle operated by Plaintiff Carl Fanning on June 17, 2005.

2. In the Complaint, Plaintiffs have alleged that as a proximate consequence of Defendant Norman's negligence or wantonness, Plaintiff Carl Fanning was injured. Mr. Fanning's wife, Brondena Fanning, has a valid loss of consortium claim.

3. Plaintiffs' Complaint states a valid cause of action for which relief can be granted.

4. Defendants' Motion to Dismiss is without merit and should be denied.

WHEREFORE, Plaintiffs request the Court to DENY Defendants National Carriers, Inc., and Bruce Norman Jr.'s Motion to Dismiss.

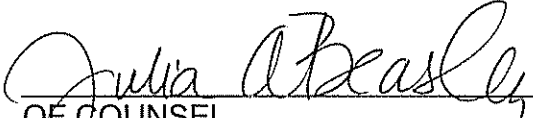
  
JULIA A. BEASLEY (BEA039)  
Attorneys for Plaintiffs

OF COUNSEL:

BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
P.O. Box 4160  
Montgomery, AL 36103-4160  
(334) 269-2343

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document upon all counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 19<sup>th</sup> day of January, 2006.

  
OF COUNSEL

Ms. Celeste Patton Armstrong  
VARNER & ASSOCIATES  
2600 Meadow Brook south, Suite 200  
at 2600 Corporate Drive  
Birmingham, AL 35242

Mr. Robert C. Black, Jr.  
HILL, HILL, CARTER, FRANCO, COLE & BLACK, P.C.  
425 South Perry Street  
Post Office Box 116  
Montgomery, AL 36101-0116